

**REMARKS**

Claims 1-12 are pending in the present application. Claims 1-2, 4-5, 7-8 and 10-11 were rejected under 35 U.S.C. §102(b) as being anticipated by Tabata, U.S. Patent No. 5,429,717. Claims 3 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tabata in view of Otaki et al., U.S. Patent No. 5,572,359. Claims 6 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tabata.

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Claim 1 has been amended. Reconsideration of the application is respectfully requested.

Rejections under 35 U.S.C. §102(b), §103(a)

Claims 1-2, 4-5, 7-8 and 10-11 were rejected under 35 U.S.C. §102(b) as being anticipated by Tabata, U.S. Patent No. 5,429,717. Claims 3 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tabata in view of Otaki et al., U.S. Patent No. 5,572,359. Claims 6 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tabata.

Tabata describes an interference microscope in which light from a light source system 16 is incident on a Wollaston prism 2 upstream of a condenser lens 3, as in a conventional interference microscope. See col. 5, lines 41-45, and Fig. 3.

Independent claim 1 of the present application has now been amended to recite a polarizing interference microscope "wherein the microscope is free from a condenser prism." Support for this amendment may be found, for example, at paragraph [0016] and Fig. 3 of the present application. It is respectfully submitted that no new matter has been added. It is respectfully submitted that Tabata does not teach or suggest a polarizing interference microscope free from a condenser prism, as recited in claim 1. In contrast, Tabata uses a condenser prism--Wollaston prism 2--as in a conventional interference microscope. See Tabata, col. 5, lines 41-45, and Fig. 3. Since Tabata is missing the above-recited feature of independent claim 1, as amended, Tabata cannot anticipate claim 1 or its dependent claims.

Otaki et al. does not provide the above-recited feature of claim 1 missing from Tabata. Dependent claims 3 and 9 properly depend from, and therefore include all the limitations of

independent claim 1. Therefore dependent claims 3 and 9 are also patentable over a combination of Tabata with Otaki et al.

Dependent claims 6 and 12 properly depend from, and therefore include all the limitations of independent claim 1. Therefore dependent claims 6 and 12 are also patentable over Tabata.

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Withdrawal of the rejection of independent claim 1, as well as dependent claims 2, 4-5, 7-8 and 10-11, under 35 U.S.C. §102(b) based on Tabata, the rejection of dependent claims 3 and 9 under U.S.C. §103(a) based on a combination of Tabata and Otaki et al., and the rejection of dependent claims 6 and 12 under U.S.C. §103(a) based on Tabata, is respectfully requested.

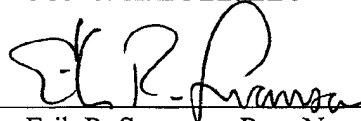
CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read 'Erik R. Swanson', written over a horizontal line.

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